

AMENDED IN ASSEMBLY AUGUST 7, 2006  
AMENDED IN ASSEMBLY JUNE 21, 2006  
AMENDED IN ASSEMBLY AUGUST 15, 2005  
AMENDED IN ASSEMBLY JULY 13, 2005  
AMENDED IN ASSEMBLY JUNE 27, 2005  
AMENDED IN SENATE APRIL 13, 2005

**SENATE BILL**

**No. 351**

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**Introduced by Senator Soto**

February 16, 2005

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An act relating to emergency services, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Soto. Emergency services: derailment evacuation plans and training.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid

communications with that office and specified other agencies in the event of certain incidents threatening public safety.

The ~~existing~~ California Emergency Services Act authorizes cities, counties, and cities and counties to establish disaster councils by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including earthquakes, natural or manmade disasters specific to that jurisdiction, or a state of war emergency.

This bill would require the Office of Emergency Services, with the appropriate assistance of the commission, ~~to require the rail carriers that transport hazardous materials utilizing railroad lines running through the County of San Bernardino to conduct~~ *lead and coordinate*, during the ~~2007~~ 2008 calendar year, a single joint exercise simulating a *train* derailment within the County of San Bernardino, ~~to include and to request the participation of~~ state, local, and private entities, *including the rail carriers that transport hazardous materials utilizing railroad lines running through the county*, according to procedures developed by the office and the commission, and subject to specified criteria. It would require the ~~county office, with the appropriate assistance of the commission,~~ to report on the joint exercise to the ~~office and the commission~~ *Governor and the Legislature*. It would also require the cost of the joint exercise, with a specified exception, to be born by the rail carriers transporting hazardous materials on rail lines traveling through the county, and ~~authorize the office and the commission to provide for the assessment and expenditure of fees for that purpose, thus making an appropriation~~ *each participating entity to bear its own costs of participation, except that local public agencies would be authorized to apply to the office for reimbursement from available federal funds of specified costs. The office would be required to seek federal funding for reimbursement of those costs, and to reimburse those costs to the extent that federal funding is available for that purpose.* ~~By requiring a higher level of service of the local agencies implementing these provisions, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions:

Vote: majority. Appropriation: ~~yes~~*no*. Fiscal committee: yes.  
State-mandated local program: ~~yes~~*no*.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares all of the~~  
2     ~~following:~~

3     ~~(a) According to the Public Utilities Commission, during the~~  
4     ~~last year there have been a series of significant railroad accidents~~  
5     ~~that have caused great damage and profound concern among~~  
6     ~~many citizens of California. With increasing urbanization and~~  
7     ~~rapid economic growth forcing greater use of railroad corridors,~~  
8     ~~greater numbers and more serious accidents can be expected~~  
9     ~~unless mitigated with swift action. Federal laws are failing to~~  
10    ~~adequately address the current situation.~~

11    ~~(b) (1) For example, on April 4, 2005, a Union Pacific train~~  
12    ~~hauling 28 cars of hazardous materials was headed north from a~~  
13    ~~Calton, California switching yard when the train jumped the~~  
14    ~~track. Two tank cars of deadly pressurized liquid chlorine and 12~~  
15    ~~other cars lay twisted just a few hundred feet away from where~~  
16    ~~hundreds of residents lived. The tank car of poisonous chlorine~~  
17    ~~gas sustained a 1-inch crack. Had it ruptured, the escaping liquid~~  
18    ~~would have formed a cloud of gas that could have killed residents~~  
19    ~~within minutes. When a similar tank broke open in January 2005~~  
20    ~~in South Carolina, nine people died.~~

21    ~~(2) There was great confusion during the evacuation after this~~  
22    ~~accident. More than 300 people were ordered to leave their~~  
23    ~~homes. At one point, authorities mistakenly let residents back~~  
24    ~~into their homes before it was safe. Few residents knew how to~~  
25    ~~react, whether to flee or stay inside.~~

26    ~~(c) (1) There are growing risks of train derailments and~~  
27    ~~accidents as each year freight train traffic and population grow~~  
28    ~~side by side. Rail traffic in the Inland Empire is expected to~~  
29    ~~double in 20 years.~~

30    ~~(2) According to the United States Department of~~  
31    ~~Transportation, from 1993 through 2004, San Bernardino County~~  
32    ~~has had 620 reported spills and other hazardous materials~~  
33    ~~incidents involving trains, more than any other county in the~~

1 nation. According to the Bureau of Transportation Statistics and  
2 the United States Census Bureau, rail shipments of chlorine,  
3 ammonia gas, and other poisonous materials jumped nationally  
4 by 63 percent from 1997 to 2002, inclusive. About 60 percent of  
5 pressurized tank cars now in use were built before 1989,  
6 including the 1977 model found to have had a crack in the San  
7 Bernardino derailment. Most agencies lack an automated  
8 emergency-calling system that could warn people about a  
9 hazardous chemical accident.

10 (3) In San Bernardino County, hundreds of tank cars daily roll  
11 past schools, homes, hospitals, and freeways carrying chlorine,  
12 liquefied petroleum gas, ammonia, methanol, and sulfuric and  
13 hydrochloric acid. By 2025, train traffic in San Bernardino  
14 County is projected to jump from 116 trains per day to 243.

15 ~~SEC. 2.~~

16 *SECTION 1.* (a) The Office of Emergency Services, with the  
17 appropriate assistance of the Public Utilities Commission, shall  
18 ~~require the rail carriers that transport hazardous materials~~  
19 ~~utilizing railroad lines running through the County of San~~  
20 ~~Bernardino to conduct, during the 2007 calendar year, a single~~  
21 ~~lead and coordinate, during the 2008 calendar year, a single~~  
22 ~~joint exercise simulating a train derailment within the County of~~  
23 ~~San Bernardino, including the City of San Bernardino, in a~~  
24 ~~residential neighborhood and near a school during school hours,~~  
25 ~~according to procedures developed by the office and the~~  
26 ~~commission.~~

27 (b) ~~The simulated derailment shall include, but not be limited~~  
28 ~~to, a joint exercise using all the~~ *The office shall request the*  
29 *participation in the joint exercise of* state, local, and private  
30 entities that would normally be involved in a chemical spill from  
31 a train affecting a 5-mile radius, *including the rail carriers that*  
32 *transport hazardous materials utilizing railroad lines running*  
33 *through the County of San Bernardino.* The exercise shall focus  
34 on evacuation procedures, agency coordination, communications,  
35 and critical decisions. The major objectives of the simulated  
36 derailment shall include, but not be limited to, all of the  
37 following:

38 (1) Assessing internal and external communications, with  
39 emphasis on notification procedures for communicating the

1 nature and scope of the emergency situation, including, but not  
2 limited to, all of the following:

3 (A) Communications between the ~~train operator~~ *rail carriers*  
4 and emergency responders, including who ~~on the train~~ contacts  
5 the first responders at the scene, and including a back up plan.

6 (B) Status of ~~persons on board the train~~ *the train rail cars* and  
7 what kind of evacuation efforts will be needed.

8 (C) Status and location of all trains on the rail involved and the  
9 nearby rails.

10 (2) Assessing the effectiveness of the emergency response  
11 training and equipment for a train derailment *and resulting*  
12 hazardous materials spill, including, but not limited to, ~~all~~ *both* of  
13 the following:

14 (A) Identifying specialized equipment for ~~extrication~~  
15 *containment* and evacuation operations based on the types of  
16 *injuries exposure* to be expected.

17 (B) Identifying specialized personal protective equipment to  
18 ensure responder safety and effectiveness.

19 ~~(C) Computing how far a derailed train travels.~~

20 (3) Assessing coordination and use by all responding state,  
21 local, and private entities participating in the National Incident  
22 Management System.

23 (4) Assessing cleanup and site mitigation procedures.

24 (c) ~~The San Bernardino County Office of Emergency Services~~  
25 *office, with the appropriate assistance of the commission,* shall  
26 report its findings, based on the objectives set forth in  
27 subdivision (b), to the ~~office and the commission, or the entity~~  
28 *delegated by the commission, Governor and the Legislature* no  
29 later than 60 calendar days after the joint exercise has been  
30 conducted. The findings shall additionally include at least all of  
31 the following information:

32 (1) Current capabilities.

33 (2) The duration of the simulated derailment.

34 (3) Procedures that were inadequate and why they were  
35 inadequate.

36 (4) Procedures that were successful and why they were  
37 successful.

38 (5) Needed improvements in equipment and future training.

39 ~~(d) The costs of the joint exercise, excluding the cost of local~~  
40 ~~personnel participating in the joint exercise, shall be born by the~~

1 rail carriers transporting hazardous materials on rail lines  
2 traveling through the County of San Bernardino, in shares  
3 proportional to their respective use of those lines. The office and  
4 the commission shall provide for an equitable assessment on the  
5 rail carriers of fees in amounts sufficient to reimburse those  
6 costs, as well as for expenditure of fee revenues for  
7 reimbursement of the costs of the joint exercise.

8 *(d) Each participating entity shall bear its own costs for*  
9 *participation in the joint exercise, except that local public*  
10 *agencies may apply to the office for reimbursement from*  
11 *available federal funds of any costs exceeding those costs*  
12 *incurred for their normal day-to-day operations.*

13 *(e) (1) The office shall seek federal funding for reimbursement*  
14 *of costs incurred by local public agencies in participating in the*  
15 *joint exercise, exceeding those costs incurred for their normal*  
16 *day-to-day operations.*

17 *(2) The office shall, upon application by local public agencies,*  
18 *reimburse the local public agencies for the costs described in*  
19 *paragraph (1) from any federal funding received pursuant to that*  
20 *paragraph, but only to the extent that federal funding is available*  
21 *for that purpose.*

22 ~~SEC. 3.~~

23 *SEC. 2.* The Legislature finds and declares that due to the  
24 unique circumstances of the County of San Bernardino with  
25 respect to the volume and frequency of transport of hazardous  
26 materials over the county's rail lines, a general statute cannot be  
27 made applicable within the meaning of Section 16 of Article IV  
28 of the California Constitution. Therefore, the special legislation  
29 contained in Section 2 1 of this act is necessarily applicable only  
30 to the County of San Bernardino.

31 ~~SEC. 4. If the Commission on State Mandates determines that~~  
32 ~~this act contains costs mandated by the state, reimbursement to~~  
33 ~~local agencies and school districts for those costs shall be made~~  
34 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
35 ~~4 of Title 2 of the Government Code.~~